

Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	4

MR. SPEAKER:

*Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Senate Bill 333, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 5, after "racetracks" insert "**and satellite facilities**".
- 2 Page 2, line 15, after "ticket" insert "**or simulated ticket**".
- 3 Page 2, line 30, after "racetrack" insert "**or satellite facility**".
- 4 Page 3, between lines 5 and 6, begin a new paragraph and insert:
- 5 "SECTION 5. IC 4-31-4-1.3 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.3. (a) This section
- 7 does not apply to a person who satisfies all of the following:
- 8 (1) The person was issued a satellite facility license before
- 9 January 2, 1996.
- 10 (2) The person operated a satellite facility before January 2, 1996.
- 11 (3) The person is currently operating the satellite facility under
- 12 the license.
- 13 (b) A person may not operate under a satellite facility license unless
- 14 both of the following apply:
- 15 (1) The county fiscal body of the county in which the satellite
- 16 facility will be operated has adopted an ordinance under section

1 2.5 of this chapter.

2 (2) The person secures a license under IC 4-31-5.5.

3 **(c) Notwithstanding any other provision of this article,**
 4 **subsection (b)(1) does not apply to a permit holder who:**

5 **(1) was issued a permit before January 1, 2002; and**

6 **(2) files an application to operate a satellite facility in a county**
 7 **having a consolidated city.**

8 SECTION 6. IC 4-31-4-2 IS AMENDED TO READ AS FOLLOWS

9 [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A county fiscal body may
 10 adopt an ordinance permitting the filing of applications under
 11 IC 4-31-5 to conduct pari-mutuel wagering on horse races at racetracks
 12 in the county. However, before adopting the ordinance, the county
 13 fiscal body must:

14 (1) conduct a public hearing on the proposed ordinance; and

15 (2) publish notice of the public hearing in the manner prescribed
 16 by IC 5-3-1.

17 (b) The county fiscal body may:

18 (1) require in the ordinance adopted by the county fiscal body that
 19 before applications under IC 4-31-5 to conduct pari-mutuel
 20 wagering on horse races at racetracks in the county may be filed,
 21 the voters of the county must approve the conducting of horse
 22 racing meetings in the county under section 3 of this chapter; or

23 (2) amend an ordinance already adopted by the county fiscal body
 24 to require that before applications under IC 4-31-5 to conduct
 25 pari-mutuel wagering on horse races at racetracks in the county
 26 may be filed, the voters of the county must approve the
 27 conducting of horse racing meetings in the county under section
 28 3 of this chapter.

29 An ordinance adopted under this section may not be amended to apply
 30 to a person who has already been issued a permit under IC 4-31-5
 31 before amendment of the ordinance.

32 **(c) An ordinance adopted under this section authorizing a**
 33 **person to conduct pari-mutuel wagering on horse races at**
 34 **racetracks in the county may not be amended with the intent to**
 35 **restrict a permit holder's ability to sell pari-mutuel pull tabs under**
 36 **IC 4-31-7.5. An ordinance adopted by the county fiscal body**
 37 **permitting the sale of pari-mutuel pull tabs is not a requirement**
 38 **for the lawful sale of pari-mutuel pull tabs under IC 4-31-7.5.**

SECTION 7. IC 4-31-4-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2.5. (a) A county fiscal body may adopt an ordinance permitting the filing of applications under IC 4-31-5.5 for operation of a satellite facility in the county. However, before adopting the ordinance, the county fiscal body must:

- (1) conduct a public hearing on the proposed ordinance; and
- (2) publish notice of the public hearing in the manner prescribed by IC 5-3-1.

(b) The county fiscal body may:

- (1) require in the ordinance adopted by the county fiscal body that before applications under IC 4-31-5.5 to operate a satellite facility in the county may be filed, the voters of the county must approve the operation of a satellite facility in the county under section 3 of this chapter; or
- (2) amend an ordinance already adopted in the county to require that before applications under IC 4-31-5.5 to operate a satellite facility in the county may be filed, the voters of the county must approve the operation of a satellite facility in the county under section 3 of this chapter.

An ordinance adopted under this section may not be amended to apply to a person who was issued a license under IC 4-31-5.5 before the ordinance was amended.

(c) Notwithstanding any other provision of this article, this section does not apply to a permit holder who:

- (1) was issued a permit before January 1, 2002; and**
- (2) files an application to operate a satellite facility in a county having a consolidated city.**

SECTION 8. IC 4-31-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) This section does not apply to either of the following:

- (1) A permit holder who satisfies all of the following:
 - (A) The permit holder was issued a permit before January 2, 1996.
 - (B) The permit holder conducted live racing before January 2, 1996.
 - (C) The permit holder is currently operating under the permit.
- (2) A person who satisfies all of the following:
 - (A) The person was issued a satellite facility license before

1 January 2, 1996.

2 (B) The person operated a satellite facility before January 2,
3 1996.

4 (C) The person is currently operating the satellite facility
5 under the license.

6 (b) This section applies if either of the following apply:

7 (1) Both of the following are satisfied:

8 (A) An ordinance is adopted under section 2 or 2.5 of this
9 chapter.

10 (B) The ordinance requires the voters of the county to approve
11 either of the following:

12 (i) The conducting of horse racing meetings in the county.

13 (ii) The operation of a satellite facility in the county.

14 (2) A local public question is required to be held under section
15 2.7 of this chapter following the filing of a petition with the
16 circuit court clerk:

17 (A) signed by at least the number of registered voters of the
18 county required under IC 3-8-6-3 to place a candidate on the
19 ballot; and

20 (B) requesting that the local public question set forth in
21 subsection (d) be placed on the ballot.

22 (c) Notwithstanding any other provision of this article, the
23 commission may not issue a recognized meeting permit under
24 IC 4-31-5 to allow the conducting of or the assisting of the conducting
25 of a horse racing meeting unless the voters of the county in which the
26 property is located have approved conducting recognized meetings in
27 the county.

28 (d) For a local public question required to be held under subsection
29 (c), the county election board shall place the following question on the
30 ballot in the county during the next general election:

31 "Shall horse racing meetings at which pari-mutuel wagering
32 occurs be allowed in _____ County?".

33 (e) Notwithstanding any other provision of this article, the
34 commission may not issue a satellite facility license under IC 4-31-5.5
35 to operate a satellite facility unless the voters of the county in which the
36 satellite facility will be located approve the operation of the satellite
37 facility in the county.

38 (f) For a local public question required to be held under subsection

(e), the county election board shall place the following question on the ballot in the county during the next general election:

"Shall satellite facilities at which pari-mutuel wagering occurs be allowed in _____ County?"

(g) A public question under this section must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(h) The circuit court clerk of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(i) If a public question is placed on the ballot under subsection (d) or (f) in a county and the voters of the county do not vote in favor of the public question, a second public question under that subsection may not be held in the county for at least two (2) years. If the voters of the county vote to reject the public question a second time, a third or subsequent public question under that subsection may not be held in the county until the general election held during the tenth year following the year of the previous public question held under that subsection.

(j) Notwithstanding any other provision of this article, this section does not apply to a permit holder who:

(1) was issued a permit before January 1, 2002; and

(2) files an application to operate a satellite facility in a county having a consolidated city."

Page 3, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 10. IC 4-31-5.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) As used in this section, "live racing day" means a day on which at least eight (8) live horse races are conducted.

(b) The commission's authority to issue satellite facility licenses is subject to the following conditions:

(1) The commission may issue four (4) satellite facility licenses to each permit holder that:

(A) conducts at least one hundred twenty (120) live racing days per year at the racetrack designated in the permit holder's permit; and

(B) meets the other requirements of this chapter and the rules adopted under this chapter.

1 If a permit holder that operates satellite facilities does not meet
 2 the required minimum number of live racing days, the permit
 3 holder may not operate the permit holder's satellite facilities
 4 during the following year. However, the requirement for one
 5 hundred twenty (120) live racing days does not apply if the
 6 commission determines that the permit holder is prevented from
 7 conducting live horse racing as a result of a natural disaster or
 8 other event over which the permit holder has no control. In
 9 addition, if the initial racing meeting conducted by a permit
 10 holder commences at such a time as to make it impractical to
 11 conduct one hundred twenty (120) live racing days during the
 12 permit holder's first year of operations, the commission may
 13 authorize the permit holder to conduct simulcast wagering during
 14 the first year of operations with fewer than one hundred twenty
 15 (120) live racing days.

16 (2) Each proposed satellite facility must be covered by a separate
 17 application. The timing for filing an initial application for a
 18 satellite facility license shall be established by the rules of the
 19 commission.

20 (3) A satellite facility must:

21 (A) have full dining service available;

22 (B) have multiple screens to enable each patron to view
 23 simulcast races; and

24 (C) be designed to seat comfortably a minimum of four
 25 hundred (400) persons.

26 (4) In determining whether a proposed satellite facility should be
 27 approved, the commission shall consider the following:

28 (A) The purposes and provisions of this chapter.

29 (B) The public interest.

30 (C) The impact of the proposed satellite facility on live racing.

31 (D) The impact of the proposed satellite facility on the local
 32 community.

33 (E) The potential for job creation.

34 (F) The quality of the physical facilities and the services to be
 35 provided at the proposed satellite facility.

36 (G) Any other factors that the commission considers important
 37 or relevant to its decision.

38 (5) The commission may not issue a license for a satellite facility

to be located in a county unless IC 4-31-4 has been satisfied.

(6) Not more than one (1) license may be issued to each permit holder to operate a satellite facility located in a county having a consolidated city. The maximum number of licenses that the commission may issue for satellite facilities to be located in a county having a consolidated city is two (2) licenses.

SECTION 11. IC 4-31-5.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. A permit holder or group of permit holders that is authorized to operate satellite facilities may accept and transmit pari-mutuel wagers on horse racing at those facilities and may engage in all activities necessary to establish and operate appropriate satellite wagering facilities, including the following:

(1) Live simulcasts of horse racing conducted at the permit holder's racetrack or at other racetracks. However, a satellite facility operated by a permit holder may not simulcast races conducted in other states on any day that is not a live racing day (as defined in section 3 of this chapter) unless the satellite facility also simulcasts all available races conducted in Indiana on that day.

(2) Construction or leasing of satellite wagering facilities.

(3) Sale of food and beverages.

(4) Advertising and promotion.

(5) Sale of pari-mutuel pull tabs authorized under IC 4-31-7.5.

(6) All other related activities."

Page 3, line 25, delete "race track" and insert "**racetrack or satellite facility**".

Page 3, line 34, delete "twenty-one (21)" and insert "**eighteen (18)**".

Page 3, line 38, reset in roman "eighteen (18)".

Page 3, line 38, delete "twenty-one (21)".

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"(d) A person less than twenty-one (21) years of age may not enter the part of a satellite facility in which pari-mutuel pull tabs are sold and redeemed."

Page 4, line 37, delete "a" and insert "**the following locations:**

(1) A".

Page 4, between lines 39 and 40, begin a new line block indented and insert:

"(2) A satellite facility that is located in a county having a consolidated city and that is operated by a permit holder described in subdivision (1)."

Page 4, delete lines 40 through 42.

Page 5, delete line 1.

Page 5, line 2, delete "(c)" and insert **"(b)"**.

Page 5, line 2, delete "seven" and insert **"five"**.

Page 5, line 3, delete "(700)" and insert **"(500)"**.

Page 5, between lines 4 and 5, begin a new paragraph and insert:

"(c) A permit holder may not install more than five hundred (500) pull tab terminals or devices on the premises of the permit holder's satellite facility located in a county containing a consolidated city."

Page 5, line 19, delete "commission, with input and assistance from the".

Page 5, line 20, after "commission" delete ",".

Page 5, line 38, before "commission" insert **"Indiana gaming"**.

Page 5, line 38, after "with the" delete "Indiana".

Page 5, line 39, delete "gaming" and insert **"horse racing"**.

Page 5, line 41, before "commission" insert **"Indiana gaming"**.

Page 6, line 3, before "commission" insert **"Indiana gaming"**.

Page 6, between lines 14 and 15, begin a new paragraph and insert:

"Sec. 16. The sale, purchase, and redemption of pari-mutuel pull tab tickets under this chapter shall be regulated and administered by the Indiana gaming commission."

Sec. 17. (a) Notwithstanding any other provision of this chapter, a permit holder may not commence the sale of pari-mutuel pull tabs until the Indiana gaming commission makes the determinations required under subsection (b) and authorizes the permit holder to commence the sale of pari-mutuel pull tabs under this section.

(b) The Indiana gaming commission may not authorize a permit holder to sell pari-mutuel pull tabs under this chapter until after the commission determines that:

(1) Indiana law imposes a tax upon the receipts of pari-mutuel pull tab wagering; and

(2) Indiana law provides revenue sharing from the taxes imposed upon pari-mutuel pull tab wagering or riverboat

gaming to the counties that do not have a riverboat licensed under IC 4-33, a horse racing track, or a satellite facility."

Page 6, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 11. IC 4-31-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 14. Minority and Women's Business Participation

Sec. 1. This chapter applies to a person holding a permit to operate a racetrack under IC 4-31-5 at which pari-mutuel pull tab tickets are sold or a license to operate a satellite facility under IC 4-31-5.5 at which pari-mutuel pull tab tickets are sold.

Sec. 2. The general assembly declares that it is essential for minority and women's business enterprises to have the opportunity for full participation in the pari-mutuel pull tab game industry if minority and women's business enterprises are to obtain social and economic parity and if the economies of the cities, towns, and counties in which pari-mutuel pull tab games are operated are to be stimulated as contemplated by this article.

Sec. 3. As used in this chapter, "minority" means a person who is one (1) of the following:

- (1) Black.
- (2) Hispanic.
- (3) Asian American.
- (4) Native American or Alaskan native.

Sec. 4. As used in this chapter, "minority business enterprise" means a business that is one (1) of the following:

- (1) A sole proprietorship owned and controlled by a minority.
- (2) A partnership or joint venture owned and controlled by minorities:
 - (A) in which at least fifty-one percent (51%) of the ownership interest is held by at least one (1) minority; and
 - (B) the management and daily business operations of which are controlled by at least one (1) of the minorities who own the business.
- (3) A corporation or other entity:
 - (A) whose management and daily business operations are controlled by at least one (1) of the minorities who own the business; and

- 1 **(B) that is at least fifty-one percent (51%) owned by at**
 2 **least one (1) minority or, if stock is issued, at least fifty-one**
 3 **percent (51%) of the stock is owned by at least one (1)**
 4 **minority.**

5 **Sec. 5. As used in this chapter, "women's business enterprise"**
 6 **means a business that is one (1) of the following:**

- 7 **(1) A sole proprietorship owned and controlled by a woman.**
 8 **(2) A partnership or joint venture owned and controlled by**
 9 **women in which:**
 10 **(A) at least fifty-one percent (51%) of the ownership is**
 11 **held by women; and**
 12 **(B) the management and daily business operations are**
 13 **controlled by at least one (1) of the women who own the**
 14 **business.**
 15 **(3) A corporation or other entity:**
 16 **(A) whose management and daily business operations are**
 17 **controlled by at least one (1) of the women who own the**
 18 **business; and**
 19 **(B) that is at least fifty-one percent (51%) owned by**
 20 **women or, if stock is issued, at least fifty-one percent**
 21 **(51%) of the stock is owned by at least one (1) of the**
 22 **women.**

23 **Sec. 6. (a) As used in this section, "goods and services" does not**
 24 **include the following:**

- 25 **(1) Utilities and taxes.**
 26 **(2) Financing costs, mortgages, loans, or other debt.**
 27 **(3) Medical insurance.**
 28 **(4) Fees and payments to a parent or an affiliated company of**
 29 **the permit holder or satellite facility operator, other than fees**
 30 **and payments for goods and services supplied by nonaffiliated**
 31 **persons through an affiliated company for the use or benefit**
 32 **of the permit holder or satellite facility operator.**
 33 **(5) Rents paid for real property or payment constituting the**
 34 **price of an interest in real property as a result of a real estate**
 35 **transaction.**

36 **(b) Notwithstanding any law or rule to the contrary, a permit**
 37 **holder operating a horse racetrack or a satellite facility shall**
 38 **establish goals of expending at least the following:**

1 **(1) The greater of:**

2 **(A) ten percent (10%) of the dollar value of the permit**
3 **holder or satellite facility operator's contracts for goods**
4 **and services with minority business enterprises; or**

5 **(B) the percentage of the dollar value of the permit holder**
6 **or satellite facility operator's contracts for goods and**
7 **services with minority business enterprises that represents**
8 **the percentage of minorities who reside in the county in**
9 **which the racetrack or satellite facility is located.**

10 **(2) Five percent (5%) of the dollar value of the permit holder**
11 **or satellite facility operator's contracts for goods and services**
12 **with women's business enterprises.**

13 **A permit holder or satellite facility operator shall submit quarterly**
14 **reports to the commission that outline the total dollar value of**
15 **contracts awarded for goods and services and the percentage**
16 **awarded to minority and women's business enterprises.**

17 **(c) A permit holder or satellite facility operator shall make a**
18 **good faith effort to meet the requirements of this section and shall**
19 **quarterly, unless otherwise directed by the commission,**
20 **demonstrate to the commission at a public meeting that an effort**
21 **was made to meet the requirements.**

22 **(d) A permit holder or satellite facility operator may fulfill not**
23 **more than seventy percent (70%) of an obligation under this**
24 **chapter by requiring a vendor to set aside a part of a contract for**
25 **minority or women's business enterprises. Upon request, the**
26 **permit holder or satellite facility operator shall provide the**
27 **commission with proof of the amount set aside.**

28 **Sec. 7. If the commission determines that the provisions of this**
29 **chapter relating to expenditures and assignments to minority and**
30 **women's business enterprises have not been met by a permit holder**
31 **or satellite facility operator, the commission may suspend, limit, or**
32 **revoke the person's satellite facility license or recognized meeting**
33 **permit, impose a civil penalty, or impose appropriate conditions on**
34 **the license or permit to ensure that the goals for expenditures and**
35 **assignments to minority and women's business enterprises are met.**
36 **However, if a determination is made that a permit holder or**
37 **satellite facility operator has failed to demonstrate compliance with**
38 **this chapter, the person has ninety (90) days from the date of the**

1 determination of noncompliance to comply.

2 **Sec. 8.** The commission shall deposit civil penalties imposed
3 under section 7 of this chapter in the women and minority business
4 assistance fund established by section 12 of this chapter.

5 **Sec. 9.** The commission shall establish and administer a unified
6 certification procedure for minority and women's business
7 enterprises that do business with permit holders and satellite
8 facility operators on contracts for goods and services or contracts
9 for business.

10 **Sec. 10.** The commission shall supply permit holders and
11 satellite facility operators with a list of the minority and women's
12 business enterprises the commission has certified under section 9
13 of this chapter. The commission shall review the list at least
14 annually to determine the minority and women's business
15 enterprises that should continue to be certified. The commission
16 shall establish a procedure for challenging the designation of a
17 certified minority or women's business enterprise. The procedure
18 must include proper notice and a hearing for all parties concerned.

19 **Sec. 11.** The commission shall adopt other rules necessary to
20 interpret and implement this chapter.

21 **Sec. 12. (a)** The women and minority business assistance fund is
22 established to assist women and minority business enterprises. The
23 fund shall be administered by the commission. The fund consists of
24 penalties imposed by the commission under section 7 of this
25 chapter.

26 **(b)** The expenses of administering the fund shall be paid from
27 money in the fund.

28 **(c)** The treasurer of state shall invest money in the fund not
29 currently needed to meet the obligations of the fund in the same
30 manner as other public money may be invested. Interest that
31 accrues from these investments shall be deposited in the fund.

32 **(d)** Money in the fund at the end of a state fiscal year does not
33 revert to the state general fund.".

34 Page 6, line 37, delete "includes" and insert "consists solely of".

35 Page 7, line 14, delete "hotel built before" and insert "structure
36 originally built as a hotel that contained at least three hundred
37 (300) sleeping rooms on or before January 1,".

38 Page 7, line 14, after "1930" insert ".".

1 Page 7, line 14, delete "with at least three hundred (300)".

2 Page 7, delete line 15, begin a new paragraph and insert:

3 "SECTION 14. IC 4-33-2-13.5 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2002]: **Sec. 13.5. "Licensed operating agent"**
6 **means a person licensed under IC 4-33-6.5 to operate a riverboat**
7 **in a historic preservation district described in IC 4-33-1-1(3) on**
8 **behalf of the district's historic preservation commission.**

9 SECTION 16. IC 4-33-2-14.5 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2002]: **Sec. 14.5. "Operating agent's license"**
12 **means a license issued under IC 4-33-6.5 that allows a person to**
13 **operate a riverboat in a historic preservation district described in**
14 **IC 4-33-1-1(3) on behalf of the district's historic preservation**
15 **commission."**

16 Page 7, between lines 21 and 22, begin a new paragraph and insert:

17 "SECTION 16. IC 4-33-2-16 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 16. "Person" means an
19 individual, a sole proprietorship, a partnership, an association, a
20 fiduciary, a corporation, a limited liability company, **a historic**
21 **preservation district**, or any other business entity.

22 SECTION 17. IC 4-33-2-16.3 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2002] **Sec. 16.3. "Pari-mutuel pull tab" has**
25 **the meaning set forth in IC 4-31-2-11.5."**

26 Page 8, between lines 5 and 6, begin a new line block indented and
27 insert:

28 **"(6) Establishing ethical standards regulating the conduct of**
29 **members of a historic preservation commission established**
30 **under IC 36-7-11-4.5 with regard to the selection and**
31 **licensure of an operating agent to operate a riverboat in a**
32 **historic preservation district described in IC 4-33-1-1(3).**

33 **(7) Establishing the conditions under which the sale, purchase,**
34 **and redemption of pari-mutuel pull tabs may be conducted**
35 **under IC 4-31-7.5."**

36 Page 11, between lines 13 and 14, begin a new paragraph and insert:

37 "SECTION 23. IC 4-33-6-2 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A person

1 applying for an owner's license under this chapter must pay a
 2 nonrefundable application fee to the commission. The commission
 3 shall determine the amount of the application fee. **However, the**
 4 **historic preservation district described in IC 4-33-1-1(3) or a**
 5 **member of the district's historic preservation commission is not**
 6 **required to pay the fee charged under this subsection.**

7 (b) An applicant must submit the following on forms provided by
 8 the commission:

9 (1) If the applicant is an individual, two (2) sets of the individual's
 10 fingerprints.

11 (2) If the applicant is not an individual, two (2) sets of fingerprints
 12 for each officer and director of the applicant.

13 (c) The commission shall review the applications for an owner's
 14 license under this chapter and shall inform each applicant of the
 15 commission's decision concerning the issuance of the owner's license.

16 (d) The costs of investigating an applicant for an owner's license
 17 under this chapter shall be paid from the application fee paid by the
 18 applicant.

19 (e) An applicant for an owner's license under this chapter must pay
 20 all additional costs that are:

21 (1) associated with the investigation of the applicant; and

22 (2) greater than the amount of the application fee paid by the
 23 applicant.

24 **(f) The commission shall recoup all of the costs associated with**
 25 **investigating or reinvestigating an applicant that is a member of a**
 26 **historic preservation commission described in subsection (a) by**
 27 **imposing a special investigation fee upon the historic preservation**
 28 **commission's licensed operating agent."**

29 Page 12, between lines 10 and 11, begin a new paragraph and insert:
 30 "SECTION 25. IC 4-33-6-5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) **This section**
 32 **does not apply to a riverboat located in a historic preservation**
 33 **district described in IC 4-33-1-1(3).**

34 (b) In an application for an owner's license, the applicant must state
 35 the dock at which the riverboat is based and the navigable waterway on
 36 which the riverboat will operate."

37 Page 12, between lines 29 and 30, begin a new paragraph and insert:
 38 "SECTION 27. IC 4-33-6-8 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. If the commission
 2 determines that a person is eligible under this chapter for an owner's
 3 license, the commission may issue an owner's license to the person if:

4 (1) the person pays an initial license fee of twenty-five thousand
 5 dollars (\$25,000); and

6 (2) the person posts a bond as required in section 9 of this
 7 chapter.

8 **However, the historic preservation district described in**
 9 **IC 4-33-1-1(3) or a member of the district's historic preservation**
 10 **commission is not required to pay the fee charged under this**
 11 **section."**

12 Page 12, line 31, delete "A" and insert **"Except as provided in**
 13 **subsection (I), a"**.

14 Page 14, between lines 3 and 4, begin a new paragraph and insert:

15 **"(I) The historic preservation district described in IC 4-33-1-1(3)**
 16 **or a member of the district's historic preservation commission is**
 17 **not required to post the bond required under this section."**

18 Page 14, between lines 30 and 31, begin a new paragraph and insert:

19 **"SECTION 29. IC 4-33-6-12 IS AMENDED TO READ AS**
 20 **FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) Unless the**
 21 **owner's license is terminated, expires, or is revoked, the owner's license**
 22 **may be renewed annually upon:**

23 (1) the payment of a five thousand dollar (\$5,000) annual renewal
 24 fee; and

25 (2) a determination by the commission that the licensee satisfies
 26 the conditions of this article.

27 **However, the historic preservation district described in**
 28 **IC 4-33-1-1(3) or a member of the district's historic preservation**
 29 **commission is not required to pay the fee charged under this**
 30 **section.**

31 (b) A licensed owner shall undergo a complete investigation every
 32 three (3) years to determine that the licensed owner remains in
 33 compliance with this article.

34 (c) Notwithstanding subsection (b), the commission may investigate
 35 a licensed owner at any time the commission determines it is necessary
 36 to ensure that the licensee remains in compliance with this article.

37 (d) The licensed owner shall bear the cost of an investigation or
 38 reinvestigation of the licensed owner and any investigation resulting

1 from a potential transfer of ownership.

2 **(e) The commission shall recoup all of the costs associated with**
 3 **investigating or reinvestigating a member of a historic**
 4 **preservation commission described in subsection (a) by imposing**
 5 **a special investigation fee upon the historic preservation**
 6 **commission's licensed operating agent.**

7 SECTION 30. IC 4-33-6-19 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 19. (a) This section
 9 applies to:

10 (1) a county contiguous to the Ohio River;

11 ~~(2) a county contiguous to Patoka Lake;~~ and

12 ~~(3)~~ **(2)** a county contiguous to Lake Michigan that has a
 13 population of less than four hundred thousand (400,000).

14 (b) Notwithstanding any other provision of this article, the
 15 commission may not issue a license under this article to allow a
 16 riverboat to operate in the county unless the voters of the county have
 17 approved the conducting of gambling games on riverboats in the
 18 county.

19 (c) If the docking of a riverboat in the county is approved by an
 20 ordinance adopted under section 18 of this chapter, or if at least the
 21 number of the registered voters of the county required under IC 3-8-6-3
 22 for a petition to place a candidate on the ballot sign a petition submitted
 23 to the circuit court clerk requesting that a local public question
 24 concerning riverboat gaming be placed on the ballot, the county
 25 election board shall place the following question on the ballot in the
 26 county during the next general election:

27 "Shall licenses be issued to permit riverboat gambling in ____
 28 County?".

29 (d) A public question under this section shall be placed on the ballot
 30 in accordance with IC 3-10-9 and must be certified in accordance with
 31 IC 3-10-9-3.

32 (e) The clerk of the circuit court of a county holding an election
 33 under this chapter shall certify the results determined under
 34 IC 3-12-4-9 to the commission and the department of state revenue.

35 (f) If a public question under this section is placed on the ballot in
 36 a county and the voters of the county do not vote in favor of permitting
 37 riverboat gambling under this article, a second public question under
 38 this section may not be held in that county for at least two (2) years. If

the voters of the county vote to reject riverboat gambling a second time, a third or subsequent public question under this section may not be held in that county until the general election held during the tenth year following the year that the previous public question was placed on the ballot.

SECTION 31. IC 4-33-6-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 19.5. (a) This section applies to a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).**

(b) The commission may issue only one (1) license under this article to allow a riverboat to operate in the county within a historic preservation district established under IC 36-7-11.

(c) The commission may not issue a license under this article to allow a riverboat to operate in the county unless the voters of:

(1) a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred

(2,200) located in the county; and

(2) a town having a population of less than one thousand five hundred (1,500) located in the county;

have approved gambling on riverboats in the county.

(d) If at least the number of registered voters of the town required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the clerk of the circuit court requesting that a local public question concerning riverboat gambling be placed on the ballot, the county election board shall place the following question on the ballot in the town described in subsection (c) during the next primary or general election or a special election held under this section:

"Shall a license be issued to allow riverboat gambling in the town of _____?"

(e) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9.

(f) If a public question is placed on the ballot under this section and the voters of the town do not vote in favor of allowing riverboat gambling under IC 4-33, another public question regarding riverboat gambling may not be held in the town for at least two (2) years.

1 (g) In a special election held under this section:

2 (1) IC 3 applies, except as otherwise provided in this section;

3 and

4 (2) at least as many precinct polling places as were used in the
5 towns described in subsection (c) during the most recent
6 municipal election must be used for the special election.

7 (h) The clerk of the circuit court of a county holding an election
8 under this section shall certify the results determined under
9 IC 3-12-4-9 to the commission and the department of state revenue.

10 SECTION 32. IC 4-33-6-21 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2002]: Sec. 21. (a) As used in this section, "electronic gaming
13 device" has the meaning set forth in 68 IAC 1-1-29.

14 (b) As used in this section, "live gaming device" has the meaning
15 set forth in 68 IAC 1-1-59.

16 (c) Except as provided in subsection (d) and IC 4-33-9-17, a
17 riverboat licensed under this article may not contain more than
18 three thousand two hundred (3,200) electronic gaming devices.

19 (d) The maximum permissible number of electronic gaming
20 devices imposed by subsection (b) does not apply to a riverboat
21 that contains a number of electronic gaming devices that exceeds
22 two thousand eight hundred eighty (2,880) on July 1, 2002.
23 However, a riverboat described in this subsection may not add
24 more than three hundred twenty (320) electronic gaming devices
25 to the number of electronic gaming devices contained on the
26 riverboat on July 1, 2002.

27 (e) This section does not limit the number of live gaming devices
28 that a riverboat may contain.

29 SECTION 33. IC 4-33-6-22 IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 2002]: Sec. 22. (a) Notwithstanding any other provision of this
32 chapter, a licensed owner may not begin to allow the continuous
33 ingress and egress of passengers for the purposes of gambling until
34 the gaming commission makes the determinations required under
35 subsection (b) and authorizes the licensed owner to allow the
36 continuous ingress and egress passengers for the purposes of
37 gambling.

38 (b) The commission may not authorize a licensed owner to allow

1 the continuous ingress and egress of passengers for the purposes of
2 gambling until after the commission determines that:

3 (1) Indiana law imposes a tax upon the receipts of pari-mutuel
4 pull tab wagering; and

5 (2) Indiana law provides revenue sharing from the taxes
6 imposed upon pari-mutuel pull tab wagering or riverboat
7 gaming to the counties that do not have a riverboat licensed
8 under IC 4-33, a horse racing track, or a satellite facility.

9 (c) Until the commission makes the determinations required
10 under subsection (b) and authorizes a licensed owner to begin
11 allowing the continuous ingress and egress of passengers for the
12 purposes of gambling, a licensed owner must operate the licensed
13 owner's riverboat and conduct gambling games in the manner
14 required under this article before January 1, 2002.

15 SECTION 34. IC 4-33-6.5 IS ADDED TO THE INDIANA CODE
16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2002]:

18 **Chapter 6.5. Riverboat Operating Agent's License**

19 **Sec. 1.** This chapter applies only to a riverboat operated under
20 a license described in IC 4-33-6-1(a)(6).

21 **Sec. 2. (a)** A person applying for an operating agent's license
22 under this chapter must pay a nonrefundable application fee to the
23 commission. The commission shall determine the amount of the
24 application fee.

25 (b) An applicant must submit the following on forms provided
26 by the commission:

27 (1) If the applicant is an individual, two (2) sets of the
28 individual's fingerprints.

29 (2) If the applicant is not an individual, two (2) sets of
30 fingerprints for each officer and director of the applicant.

31 (c) The commission shall review the applications for a license
32 under this chapter and shall inform each applicant of the
33 commission's decision concerning the issuance of the license.

34 (d) The costs of investigating an applicant for a license under
35 this chapter shall be paid from the application fee paid by the
36 applicant.

37 (e) An applicant for a license under this chapter must pay all
38 additional costs that are:

- (1) associated with the investigation of the applicant; and
- (2) greater than the amount of the application fee paid by the applicant.

Sec. 3. The commission may not issue an operating agent's license under this chapter to a person if:

- (1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;
 - (2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;
 - (3) the person is a member of the commission;
 - (4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);
 - (5) the person employs an individual who:
 - (A) is described in subdivision (1), (2), or (3); and
 - (B) participates in the management or operation of gambling operations authorized under this article;
 - (6) the person owns an ownership interest of more than the total amount of ownership interests permitted under IC 4-33-6-3.5; or
 - (7) a license issued to the person:
 - (A) under this article; or
 - (B) to own or operate gambling facilities in another jurisdiction;
- has been revoked.

Sec. 4. In determining whether to grant an operating agent's license to an applicant, the commission shall consider the following:

- (1) The character, reputation, experience, and financial integrity of the following:
 - (A) The applicant.
 - (B) A person that:
 - (i) directly or indirectly controls the applicant; or
 - (ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.
- (2) The facilities or proposed facilities for the conduct of riverboat gambling in a historic preservation district

described in IC 4-33-1-1(3).

(3) The highest prospective total revenue to be collected by the state from the conduct of riverboat gambling.

(4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.

(5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

(6) If the applicant has adequate capitalization to operate a riverboat for the duration of the license.

(7) The extent to which the applicant exceeds or meets other standards adopted by the commission.

Sec. 5. If the commission determines that a person is eligible under this chapter for an operating agent's license, the commission may issue an operating agent's license to the person if:

(1) the person pays an initial license fee of twenty-five thousand dollars (\$25,000); and

(2) the person posts a bond as required in section 6 of this chapter.

Sec. 6. (a) A licensed operating agent must post a bond with the commission at least sixty (60) days before the commencement of regular riverboat operations in the historic preservation district described in IC 4-33-1-1(3).

(b) The bond shall be furnished in:

(1) cash or negotiable securities;

(2) a surety bond:

(A) with a surety company approved by the commission; and

(B) guaranteed by a satisfactory guarantor; or

(3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.

(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the licensee.

(d) The bond:

(1) is subject to the approval of the commission; and

(2) must be payable to the commission as obligee for use in payment of the riverboat's financial obligations to the local

community, the state, and other aggrieved parties, as determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensed operating agent's bond is insufficient, the operating agent shall, upon written demand of the commission, file a new bond.

(f) The commission may require a licensed operating agent to file a new bond with a satisfactory surety in the same form and amount if:

(1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the operating agent's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the licensed operating agent remains at the site of the riverboat operating within a historic preservation district:

(1) for five (5) years; or

(2) until the date the commission grants a license to another operating agent to operate from the site for which the bond was posted;

whichever occurs first.

(i) An operating agent who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total liability of the surety on a bond is limited to the amount specified in the bond and the continuous nature of the bond may not be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

1 (1) the time has run under subsection (h); and

2 (2) a written request is submitted by the operating agent.

3 **Sec. 7. (a) Unless the operating agent's license is terminated,**
 4 **expires, or is revoked, the operating agent's license may be**
 5 **renewed annually upon:**

6 (1) the payment of a five thousand dollar (\$5,000) annual
 7 renewal fee; and

8 (2) a determination by the commission that the licensee
 9 satisfies the conditions of this article.

10 (b) An operating agent shall undergo a complete investigation
 11 every three (3) years to determine that the operating agent remains
 12 in compliance with this article.

13 (c) Notwithstanding subsection (b), the commission may
 14 investigate an operating agent at any time the commission
 15 determines it is necessary to ensure that the licensee remains in
 16 compliance with this article.

17 (d) The operating agent shall bear the cost of an investigation or
 18 reinvestigation of the operating agent.

19 **Sec. 8. A license issued under this chapter permits the holder to**
 20 **operate a the riverboat on behalf of the licensed owner of the**
 21 **riverboat.**

22 **Sec. 9. An operating agent licensed under this chapter is**
 23 **charged with all the duties imposed upon a licensed owner under**
 24 **this article including the collection and remission of taxes under**
 25 **IC 4-33-12 and IC 4-33-13.**

26 **SECTION 9. IC 4-33-7.5 IS ADDED TO THE INDIANA CODE**
 27 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 28 **JULY 1, 2002]:**

29 **Chapter 7.5. Pari-Mutuel Pull Tab Suppliers**

30 **Sec. 1. The commission may issue a supplier's license under this**
 31 **chapter to a person if:**

32 (1) the person has:

33 (A) applied for the supplier's license;

34 (B) paid a nonrefundable application fee set by the
 35 commission;

36 (C) paid a five thousand dollar (\$5,000) annual license fee;
 37 and

38 (D) submitted on forms provided by the commission:

(i) if the applicant is an individual, two (2) sets of the individual's fingerprints; and

(ii) if the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant; and

(2) the commission has determined that the applicant is eligible for a supplier's license.

Sec. 2. (a) A person holding a supplier's license may sell, lease, and contract to sell or lease pari-mutuel pull tab terminals and devices to a permit holder authorized to sell and redeem pari-mutuel pull tab tickets under IC 4-31-7.5.

(b) Pari-mutuel pull tab terminals and devices may not be distributed unless the terminals and devices conform to standards adopted by the commission.

Sec. 3. A person may not receive a supplier's license if:

(1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;

(2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;

(3) the person is a member of the commission;

(4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);

(5) the person employs an individual who:

(A) is described in subdivision (1), (2), or (3); and

(B) participates in the management or operation of gambling operations authorized under this article;

(6) the person owns more than a ten percent (10%) ownership interest in any other person holding a permit issued under IC 4-31; or

(7) a license issued to the person:

(A) under this article; or

(B) to supply gaming supplies in another jurisdiction; has been revoked.

Sec. 4. A person may not furnish pari-mutuel pull tab terminals or devices to a permit holder unless the person possesses a supplier's license.

Sec. 5. (a) A supplier shall furnish to the commission a list of all

1 **pari-mutuel pull tab terminals and devices offered for sale or lease**
 2 **in connection with the sale of pari-mutuel pull tab tickets**
 3 **authorized under IC 4-31-7.5.**

4 **(b) A supplier shall keep books and records for the furnishing**
 5 **of pari-mutuel pull tab terminals and devices to permit holders**
 6 **separate from books and records of any other business operated by**
 7 **the supplier.**

8 **(c) A supplier shall file a quarterly return with the commission**
 9 **listing all sales and leases.**

10 **(d) A supplier shall permanently affix the supplier's name to all**
 11 **of the supplier's pari-mutuel pull tab terminals or devices provided**
 12 **to permit holders under this chapter.**

13 **Sec. 6. A supplier's pari-mutuel pull tab terminals or devices**
 14 **that are used by a person in an unauthorized gambling operation**
 15 **shall be forfeited to the state.**

16 **Sec. 7. Pari-mutuel pull tab terminals and devices that are**
 17 **provided by a supplier may be:**

- 18 **(1) repaired on the premises of a racetrack or satellite facility;**
- 19 **or**
- 20 **(2) removed for repair from the premises of a permit holder**
 21 **to a facility owned the permit holder.**

22 **Sec. 8. (a) Unless a supplier's license is suspended, expires, or is**
 23 **revoked, the supplier's license may be renewed annually upon:**

- 24 **(1) the payment of a five thousand dollar (\$5,000) annual**
 25 **renewal fee; and**
- 26 **(2) a determination by the commission that the licensee is in**
 27 **compliance with this article.**

28 **(b) The holder of a supplier's license shall undergo a complete**
 29 **investigation every three (3) years to determine that the licensee is**
 30 **in compliance with this article.**

31 **(c) Notwithstanding subsection (b), the commission may**
 32 **investigate the holder of a supplier's license at any time the**
 33 **commission determines it is necessary to ensure that the licensee is**
 34 **in compliance with this article.**

35 **(d) The holder of a supplier's license shall bear the cost of an**
 36 **investigation or reinvestigation of the licensee and any**
 37 **investigation resulting from a potential transfer of ownership."**

38 Page 15, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 34. IC 4-33-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 16. Gambling Operations in a Historic Preservation District

Sec. 1. This chapter applies only to a historic preservation district described in IC 4-33-1-1(3) and established under IC 36-7-11-4.5.

Sec. 2. As used in this chapter, "district" refers to the historic preservation district established under IC 36-7-11-4.5.

Sec. 3. As used in this chapter, "historic preservation commission" refers to the historic preservation commission established under IC 36-7-11-4.5.

Sec. 4. As used in this chapter, "operating expenses" means the following:

(1) Money spent by the historic preservation commission in the exercise of the historic preservation commission's powers under this article, IC 36-7-11-23, and IC 36-7-11-24 as limited by section 5 of this chapter.

(2) Management fees paid to the riverboat's licensed operating agent.

Sec. 5. A riverboat authorized under this article for a historic preservation district described in IC 4-33-1-1(3) must be located on real property owned by the district that is located between the two (2) historic resort hotels.

Sec. 6. The commission shall grant an owner's license to the historic preservation commission upon the fulfillment of the following requirements:

(1) Riverboat gaming is approved in a public question.

(2) The commission completes the investigations required under IC 4-33-6.

Sec. 7. The historic preservation commission shall contract with another person to operate a riverboat located in the district. The person must be a licensed operating agent under IC 4-33-6.5.

Sec. 8. The net income derived from the riverboat after the payment of all operating expenses shall be deposited in the French Lick and West Baden community trust fund established under IC 36-7-11.4.

1 **Sec. 9. After deducting any tax revenue received under**
 2 **IC 4-33-12 and IC 4-33-13 that:**

- 3 (1) **is expended by the historic preservation commission to**
 4 **carry out the historic preservation commission's duties and**
 5 **powers under this article, IC 36-7-11-3, and IC 36-7-11-24; or**
 6 (2) **is pledged to bonds, leases, or other obligations under**
 7 **IC 5-1-14-4;**

8 **the historic preservation commission shall deposit the remaining**
 9 **tax revenue in the French Lick and West Baden community trust**
 10 **fund established under IC 36-7-11.4."**

11 Page 16, between lines 9 and 10, begin a new paragraph and insert:

12 "SECTION 37. IC 36-7-11-4.3 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.3. (a) An ordinance
 14 that establishes a historic preservation commission under section 4 **or**
 15 **4.5** of this chapter may authorize the staff of the commission, on behalf
 16 of the commission, to grant or deny an application for a certificate of
 17 appropriateness.

18 (b) An ordinance adopted under this section must specify the types
 19 of applications that the staff of the commission is authorized to grant
 20 or deny. The staff may not be authorized to grant or deny an application
 21 for a certificate of appropriateness for the following:

- 22 (1) The demolition of a building.
 23 (2) The moving of a building.
 24 (3) The construction of an addition to a building.
 25 (4) The construction of a new building.

26 SECTION 36. IC 36-7-11-4.5 IS ADDED TO THE INDIANA
 27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2002]: **Sec. 4.5. (a) This section applies to the**
 29 **following towns located in a county having a population of more**
 30 **than nineteen thousand three hundred (19,300) but less than**
 31 **twenty thousand (20,000):**

- 32 (1) **A town having a population of more than one thousand**
 33 **five hundred (1,500) but less than two thousand two hundred**
 34 **(2, 200).**
 35 (2) **A town having a population of less than one thousand five**
 36 **hundred (1,500).**

37 (b) **The towns described in subsection (a) may enter an**
 38 **interlocal agreement under IC 36-1-7 to establish a joint historic**

1 **preservation district under this chapter. An ordinance entering the**
 2 **interlocal agreement must provide for the following membership**
 3 **of the joint historic preservation district:**

4 **(1) A member of the town council of a town described in**
 5 **subsection (a)(1).**

6 **(2) A member of the town council of a town described in**
 7 **subsection (a)(2).**

8 **(3) The owner of a historic resort hotel located in a town**
 9 **described in subsection (a)(1) or the owner's designee.**

10 **(4) The owner of a historic resort hotel located in a town**
 11 **described in subsection (a)(2) or the owner's designee.**

12 **(5) An individual appointed by the Historic Landmarks**
 13 **Foundation of Indiana.**

14 **(6) A resident of a town described in subsection (a)(1).**

15 **(7) A resident of a town described in subsection (a)(2).**

16 **(c) A member of the commission described in subsection (b)(1)**
 17 **or (b)(2) shall serve for the duration of the member's term of office**
 18 **on the town council. The members described in subsection (b)(5)**
 19 **through (b)(7) shall each serve for a term of three (3) years.**
 20 **However, the terms of the original voting members may be for one**
 21 **(1) year, two (2) years, or three (3) years in order for the terms to**
 22 **be staggered, as provided by the ordinance. A vacancy shall be**
 23 **filled for the duration of the term.**

24 **(d) The ordinance may provide qualifications for members of**
 25 **the commission described in subsection (b)(6) and (b)(7). However,**
 26 **members must be residents of the unit who are interested in the**
 27 **preservation and development of historic areas. The members of**
 28 **the commission should include professionals in the disciplines of**
 29 **architectural history, planning, and other disciplines related to**
 30 **historic preservation, to the extent that those professionals are**
 31 **available in the community. The ordinance may also provide for**
 32 **the appointment of advisory members that the legislative body**
 33 **considers appropriate.**

34 **(e) Each member of the commission must, before beginning the**
 35 **discharge of the duties of the member's office, do the following:**

36 **(1) Take an oath that the member will faithfully execute the**
 37 **duties of the member's office according to Indiana law and**
 38 **rules adopted under Indiana law.**

1 **(2) Provide a bond to the state that:**

2 **(A) is approved by the Indiana gaming commission;**

3 **(B) is for twenty-five thousand dollars (\$25,000); and**

4 **(C) is, after being executed and approved, recorded in the**
5 **office of the secretary of state.**

6 **(f) The ordinance may:**

7 **(1) designate an officer or employee of a town described in**
8 **subsection (a) to act as administrator;**

9 **(2) permit the commission to appoint an administrator who**
10 **shall serve without compensation except reasonable expenses**
11 **incurred in the performance of the administrator's duties; or**

12 **(3) provide that the commission act without the services of an**
13 **administrator.**

14 **(g) Members of the commission shall serve without**
15 **compensation except for reasonable expenses incurred in the**
16 **performance of their duties.**

17 **(h) The commission shall elect from its membership a**
18 **chairperson and vice chairperson, who shall serve for one (1) year**
19 **and may be reelected.**

20 **(i) The commission shall adopt rules consistent with this chapter**
21 **for the transaction of its business. The rules must include the time**
22 **and place of regular meetings and a procedure for the calling of**
23 **special meetings. All meetings of the commission must be open to**
24 **the public, and a public record of the commission's resolutions,**
25 **proceedings, and actions must be kept. If the commission has an**
26 **administrator, the administrator shall act as the commission's**
27 **secretary. If the commission does not have an administrator, the**
28 **commission shall elect a secretary from its membership.**

29 **(j) The commission shall hold regular meetings, at least**
30 **monthly, except when it has no business pending.**

31 **(k) A decision of the commission is subject to judicial review**
32 **under IC 4-21.5-5 as if it were a decision of a state agency.**

33 **(l) Money acquired by the historic preservation commission:**

34 **(1) is subject to the laws concerning the deposit and**
35 **safekeeping of public money; and**

36 **(2) must be deposited under the advisory supervision of the**
37 **state board of finance in the same way and manner, at the**
38 **same rate of interest, and under the same restrictions as other**

1 state money.

2 (m) The money of the historic preservation commission and the
3 accounts of each officer, employee, or other person entrusted by
4 law with the raising, disposition, or expenditure of the money or
5 part of the money are subject to the following:

6 (1) Examination by the state board of accounts.

7 (2) The same penalties and the same provision for publicity
8 that are provided by law for state money and state officers.

9 SECTION 38. IC 36-7-11-4.6 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.6. An ordinance that
11 establishes a historic preservation commission under section 4 or 4.5
12 of this chapter may:

13 (1) authorize the commission to:

14 (A) acquire by purchase, gift, grant, bequest, devise, or lease
15 any real or personal property, including easements, that is
16 appropriate for carrying out the purposes of the commission;

17 (B) hold title to real and personal property; and

18 (C) sell, lease, rent, or otherwise dispose of real and personal
19 property at a public or private sale on the terms and conditions
20 that the commission considers best; and

21 (2) establish procedures that the commission must follow in
22 acquiring and disposing of property.

23 SECTION 39. IC 36-7-11-23 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2002]: Sec. 23. (a) This section applies to a
26 historic preservation commission established under section 4.5 of
27 this chapter.

28 (b) In addition to the commission's other duties set forth in this
29 chapter, the commission shall do the following:

30 (1) Designate a fiscal agent who must be the fiscal officer of
31 one (1) of the towns described in section 4.5(a) of this chapter.

32 (2) Employ professional staff to assist the commission in
33 carrying out its duties under this section.

34 (3) Engage consultants, attorneys, accountants, and other
35 professionals necessary to carry out the commission's duties
36 under this section.

37 (4) Own the riverboat license described in IC 4-33-6-1(a)(6).

38 (5) Develop requests for proposals for persons interested in

operating and managing the riverboat authorized under IC 4-33 on behalf of the commission as the riverboat's licensed operating agent.

(6) Recommend a person to the gaming commission that the historic preservation commission believes will:

(A) promote the most economic development in the area surrounding the historic preservation district;

(B) best meet the criteria set forth in IC 4-33-6-4; and

(C) best serve the interests of the citizens of Indiana.

However, the gaming commission is not bound by the recommendation of the historic preservation commission.

SECTION 40. IC 36-7-11-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 24.** (a) This section applies to a historic preservation commission established under section 4.5 of this chapter.

(b) In addition to the commission's other powers set forth in this chapter, the commission may do the following:

(1) Enter contracts to carry out the commission's duties under section 23 of this chapter, including contracts for the construction, maintenance, operation, and management of a riverboat to be operated in the historic preservation district under IC 4-33.

(2) Provide recommendations to the Indiana gaming commission concerning the operation and management of a riverboat to be operated in the historic preservation district under IC 4-33.

(c) This section may not be construed to limit the powers of the Indiana gaming commission with respect to the administration and regulation of riverboat gaming under IC 4-33.

SECTION 41. IC 36-7-11.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 11.4. French Lick and West Baden Community Trust Fund

Sec. 1. This section applies to a historic preservation district established under IC 36-7-11-4.5.

Sec. 2. As used in this chapter, "fund" refers to the French Lick

1 and West Baden community trust fund established by section 4 of
2 this chapter.

3 Sec. 3. As used in this chapter, "historic preservation
4 commission" refers to the historic preservation commission
5 established under IC 36-7-11-4.5.

6 Sec. 4. (a) The French Lick and West Baden community trust
7 fund is established.

8 (b) The fund consists of the following:

9 (1) Money disbursed from the historic preservation
10 commission.

11 (2) Donations.

12 (3) Interest and dividends on assets of the fund.

13 (4) Money transferred to the fund from other funds.

14 (5) Money from any other source.

15 Sec. 5. (a) The historic preservation commission shall manage
16 and develop the fund and the assets of the fund.

17 (b) The historic preservation commission shall do the following:

18 (1) Establish a policy for the investment of the fund's assets.

19 (2) Perform other tasks consistent with prudent management
20 and development of the fund.

21 Sec. 6. (a) Subject to the investment policy of the board, the
22 fiscal agent appointed by the historic preservation commission
23 shall administer the fund and invest the money in the fund.

24 (b) The expenses of administering the fund and implementing
25 this chapter shall be paid from the fund.

26 (c) Money in the fund that is not currently needed to meet the
27 obligations of the fund may be invested in the same manner as
28 other public funds are invested. Interest that accrues from these
29 investments shall be deposited in the fund.

30 (d) Money in the fund at the end of a state fiscal year does not
31 revert to the state general fund.

32 Sec. 7. (a) The historic preservation commission has the sole
33 authority to allocate money from the fund for the following
34 purposes:

35 (1) The preservation, restoration, maintenance, operation,
36 and development of the French Lick historic resort hotel.

37 (2) The preservation, restoration, maintenance, operation,
38 and development of the West Baden historic resort hotel.

1 **(3) Infrastructure projects and other improvements in the**
 2 **surrounding community.**

3 **(b) Money allocated under subsection (a)(1) and (a)(2) must be**
 4 **divided equally between the two historic resort hotels.**

5 **Sec. 8. The historic preservation commission shall prepare an**
 6 **annual report concerning the fund and submit the report to the**
 7 **legislative council before October 1 of each year. The report is a**
 8 **public record."**

9 Page 16, after line 15, begin a new paragraph and insert:

10 "SECTION 38. [EFFECTIVE UPON PASSAGE] **(a) This**
 11 **SECTION applies to a county having a population of more than**
 12 **nineteen thousand three hundred (19,300) but less than twenty**
 13 **thousand (20,000).**

14 **(b) The Indiana gaming commission may not issue a license**
 15 **under this article to allow a riverboat to operate in the county**
 16 **unless the voters of:**

17 **(1) a town having a population of more than one thousand five**
 18 **hundred (1,500) but less than two thousand two hundred (2,**
 19 **200) located in the county; and**

20 **(2) a town having a population of less than one thousand five**
 21 **hundred (1,500) located in the county;**

22 **have approved gambling on a riverboat in the county.**

23 **(c) Notwithstanding IC 4-33-6-19.5, as added by this act, the**
 24 **county election board shall place the following question on the**
 25 **ballot in the towns described in subsection (b) during the primary**
 26 **election held on May 7, 2002:**

27 **"Shall a license be issued to allow riverboat gambling in the**
 28 **town of _____?"**

29 **(d) Notwithstanding IC 4-33-6-19.5, as added by this act, the**
 30 **registered voters of the towns described in subsection (b) are not**
 31 **required to petition the clerk of the circuit court to place the public**
 32 **question described in subsection (c) on the ballot.**

33 **(e) A public question under this SECTION shall be placed on**
 34 **the ballot in accordance with IC 3-10-9.**

35 **(f) If a public question is placed on the ballot under this**
 36 **SECTION and the voters of the town do not vote in favor of**
 37 **allowing riverboat gambling under IC 4-33, another public**
 38 **question regarding riverboat gambling may not be held in the town**

- 1 **for at least two (2) years.**
- 2 **(g) The clerk of the circuit court of a county holding an election**
- 3 **under this SECTION shall certify the results determined under**
- 4 **IC 3-12-4-9 to the commission and the department of state revenue.**
- 5 **(h) This SECTION expires July 2, 2002.**
- 6 **SECTION 39. An emergency is declared for this act."**
- 7 Renumber all SECTIONS consecutively.
 (Reference is to SB 333 as reprinted January 29, 2002.)

and when so amended that said bill do pass.

Representative Kuzman